

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

AUG 12 2019

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE DANIEL RAMIREZ,

Defendant.

CR 19-26-M-DWM

ORDER

Defendant Jose Daniel Ramirez moves the Court to order a psychiatric or psychological examination for the purpose of determining his competency to stand trial. (Doc. 23.) A competency hearing may be ordered “if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” 18 U.S.C. § 4241(a). A psychiatric or psychological examination may be ordered prior to the hearing. 18 U.S.C. § 4241(b). Defense counsel’s representations to the Court about Ramirez’s condition raise concerns about Ramirez’s competency to stand trial. Accordingly,

IT IS ORDERED:

1. Defendant Jose Daniel Ramirez’s motion (Doc. 23) is GRANTED.

2. Defendant shall submit to a psychiatric or psychological examination for the purpose of determining his competency as provided in 18 U.S.C. §§ 4241, 4247. The parties shall jointly designate a licensed or certified psychiatrist or psychologist to perform the examination within ten (10) days of this Order.

3. The examination must be complete within forty-five (45) days of this Order.

4. Immediately after the examination is complete, Defendant shall file the examination under seal.

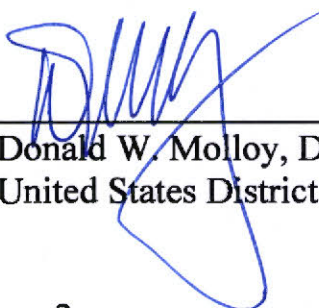
5. The United States shall pay the cost of the examination.

6. The United States shall not be permitted to introduce evidence from the competency examination at trial or sentencing, except as rebuttal if Ramirez presents such evidence in his defense. Fed. R. Crim. P. 12.2(c)(4).

7. The September 9, 2019 trial and all deadlines set forth in the July 24, 2019 Scheduling Order (Doc. 14) are VACATED. A new scheduling order will be issued after the evaluation is complete.

8. The time from the date of this Order until the date the evaluation is complete is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A).

DATED this 12th day of August, 2019.


Donald W. Molloy, District Judge
United States District Court
10:47 A.M.